

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>METROMEDIA FIBER NETWORK SERVICES, )</b>	<b>CERTIFICATE OF</b>
<b>INC. FOR A CERTIFICATE OF AUTHORITY TO )</b>	<b>AUTHORITY</b>
<b>PROVIDE LOCAL EXCHANGE SERVICES IN )</b>	
<b>SOUTH DAKOTA )</b>	<b>TC00-073</b>

On April 18, 2000, the Public Utilities Commission (Commission) received an application for a certificate of authority from Metromedia Fiber Network Services, Inc. (MFNS).

MFNS proposes to offer facilities-based and resold dedicated local exchange, exchange access and intrastate private line, high capacity fiber optic transmission facilities and services.

On April 20, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of May 5, 2000, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled July 20, 2000, meeting, the Commission considered MFNS' request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to a continuous \$25,000 surety bond and subject to rural safeguards. Commission Staff further recommended restricting MFNS from offering switched local service until the information required in ARSD 20:10:32:03(10) is approved by the Commission. Commission Staff further recommended a waiver of ARSD 20:10:32:03(10), (11) and (13).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-69 and ARSD 20:10:32:03. The Commission finds that MFNS has met the legal requirements established for the granting of a certificate of authority. MFNS has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraphs (10), (11) and (13) of ARSD 20:10:32:03.

The Commission approves MFNS' application for a certificate of authority, subject to a continuous \$25,000 surety bond, subject to rural safeguards and with the restriction that MFNS shall not offer switched local service until the information required in ARSD 20:10:32:03(10) is approved by the Commission. The certificate of authority for MFNS shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should MFNS choose to provide local exchange services statewide, with respect to rural telephone companies, MFNS will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible

telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that MFNS' application for a certificate of authority to provide local exchange services is granted, subject to a continuous \$25,000 surety bond; and it is

FURTHER ORDERED, that MFNS shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize MFNS to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that MFNS shall be restricted from offering switched local service until the information required in ARSD 20:10:32:03(10) is approved by the Commission; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraphs (10), (11) and (13) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 21<sup>st</sup> day of July, 2000.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u><i>Delaine Kelbo</i></u>
Date:	<u>7/24/00</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

*Pam Nelson*  
PAM NELSON, Vice Chair

*Laska Schoenfelder*  
LASKA SCHOENFELDER, Commissioner